

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

SENSA VEROGNA,

*Plaintiff,*

v.

TWITTER, INC.,

*Defendant.*

Case No. 20-cv-536-SM

**UNITED STATES OF AMERICA’S ACKNOWLEDGMENT OF  
NOTICE OF CONSTITUTIONAL CHALLENGE**

Plaintiff, proceeding under a pseudonym, filed on August 6, 2020 a notice of constitutional challenge regarding 47 U.S.C. § 230(c). Dkt. 45 (“Rule 5.1 Notice”). The Court has not certified any constitutional question. *See* Fed. R. Civ. P. 5.1(b); 28 U.S.C. § 2403. By Order on August 27, 2020, this Court, among other things, denied Plaintiff’s motion to proceed anonymously, and granted Defendant’s motion to stay the proceedings. Dkt. 54. Plaintiff did not comply with the order to disclose Plaintiff’s true identity, and commenced an appeal in the United States Court of Appeals for the First Circuit. This Court on September 28, 2020 ordered that “further action” in this case is stayed “pending resolution of [P]laintiff’s appeal,” and observed that a “dismissal” by this Court “was inevitable for failure to comply” with the disclosure order.

Although the United States may intervene in any action in which the constitutionality of a federal statute is questioned, here the proceedings on the operative Complaint are stayed pending First Circuit proceedings. That obviates the need for the United States to respond to the Rule 5.1 Notice, which ordinarily would be filed by October 5, 2020. *See* Fed. R. Civ. P. 5.1(c).

In light of the prior filings by the parties and this Court's orders to date, the United States respectfully suggests that, if proceedings resume in this Court, and if Plaintiff asserts a constitutional challenge (such as in opposition to a motion to dismiss), this Court should order Plaintiff to file and serve a Rule 5.1 notice accompanying any such challenge.

Dated: October 1, 2020

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Respectfully submitted,

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